



Attorney's Docket No.: 7291.P012

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Eric Earnst et al.

Application No.: 10/687,860

Filed: October 17, 2003

TC/A.U. 2882

Examiner: Hoon K. Song

For: PATIENT POSITIONING
ASSEMBLY FOR THERAPEUTIC
RADIATION SYSTEM

Confirmation No.: 9563

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AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

In response to the Office Action mailed May 31, 2005, applicant respectfully requests the Examiner to enter the following amendments and consider the following remarks:

Amendments to the Drawings begin on page 2 of this paper and include both an attached replacement sheet and an annotated sheet showing changes.

Amendments to the Claims are reflected in the listing of claims that begins on page 3 of this paper.

Remarks begin on page 18 of this paper.

Claim Objection

Claim 9 has been objected to because of the following formalities, as stated in the Office Action: "In claim 9 at line 1, "said five degrees" lacks antecedent basis." (See Office Action, 5/31/05, page 2). Applicants submit that claim 9, as amended, does not lack antecedent basis, and respectfully submit that the objection be withdrawn.

Conclusion

Having tendered the above remarks and amended the claims as indicated herein, the Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: October 13, 2005


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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number			
APPLICATION AS FILED – PART I									
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY			
FOR	NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)		
BASIC FEE (37 CFR 1.16(a), (b), or (c))									
SEARCH FEE (37 CFR 1.16(k), (l), or (m))									
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))									
TOTAL CLAIMS (37 CFR 1.16(l))	minus 20 =			X	=	X	=		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =			X	=	X	=		
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL		TOTAL			
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)		
Total (37 CFR 1.16(i))	62	Minus	38	X 25 =	600.00	X	=		
Independent (37 CFR 1.16(h))	4	Minus	6	X	=	X	=		
Application Size Fee (37 CFR 1.16(s))									
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
				TOTAL ADD'L FEE	600.00 PD.	TOTAL ADD'L FEE			
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)		
Total (37 CFR 1.16(i))	0	Minus	0	X	=	X	=		
Independent (37 CFR 1.16(h))	0	Minus	0	X	=	X	=		
Application Size Fee (37 CFR 1.16(s))									
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
				TOTAL ADD'L FEE		TOTAL ADD'L FEE			

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3
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